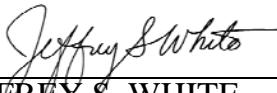


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IN THE UNITED STATES DISTRICT COURT
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FOR THE NORTHERN DISTRICT OF CALIFORNIA
6

7 CHARLES MULVIHILL,) No. C 08-2689 JSW (PR)
8 Petitioner,) ORDER OF DISMISSAL
9
10 vs.)
11 MULE CREEK STATE PRISON,)
12 Respondent.)
13

14 On April 10, 2007, Petitioner filed this pro se petition for a writ of habeas corpus
15 by filing a letter in this Court, asking for an “extension” of time for filing his petition. On
16 the same day that the letter was filed, the Court sent a notification to Petitioner informing
17 him that he had not submitted the filing fee or an application for leave to proceed in forma
18 pauperis. The Court provided a copy of the correct in forma pauperis application, along
19 with a return envelope, and a notification that the case would be dismissed if Petitioner
20 failed to respond to the Court’s request within thirty days. In addition, the Court provided
21 a copy of a blank habeas petition, informed Petitioner that no petition was attached to his
22 pleadings and that if he did not submit one within thirty days, his action would be
23 dismissed. Petitioner has not responded. Accordingly, this case is DISMISSED without
24 prejudice for failure to pay the filing fee or submit an forma pauperis application and for
25 failure to submit a petition.

26 IT IS SO ORDERED.
27
28 DATED: October 3, 2008


JEFFREY S. WHITE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

CHARLES MULVIHILL.

Case Number: CV08-02689 JSW

Plaintiff,

CERTIFICATE OF SERVICE

V.

MULE CREEK STATE PRISON et al.

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 3, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Charles Mulvihill
K55455
MCSP
P.O. Box 409060
Ione, CA 95640

Dated: October 3, 2008

Jennifer Ottolini

Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk